IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 62 OF 2005
IN
NOTICE OF MOTION NO. 705 OF 2002
IN
SUIT NO. 3769 OF 2001

Pergo India Pvt.Ltd. ... Petitioner
(Org.Plaintiffs)

Vs.

Chandrakant Mehta ... Respondent
(Org.defendant)

Ms. Neeta Rajda i/b. DSR Associates for the Petitioner.
Mr. d.S.Belwalkar for Respondent.

CORAM: S.K.SHAH,J.
DATE : 7th July,2006

P.C.

1. The contempt is alleged of the Order dated 9th January,2004 whereby the Notice of Motion was allowed in terms of prayer clause (c). Prayer clause (c) reads as under :-

> "(c) that pending the hearing and final disposal of the suit, the Defendant be directed by an order of this Hon'ble Court to forthwith release the stocks/goods belonging to the Plaintiff and illegally retained bythe Defendant and hand over the stock/goods to the Plaintiff, as per the list annexed and marked Exhibit "M" to the Plaint;"

2. Now an affidavit is filed by the Respondent saying that goods have been handed over. The learned Counsel for the Petitioner however submits that the goods are in a damaged condition. There has been compliance with the order. As regards the goods being in a damaged condition, the Petitioner would be free to take legal action for the damaged goods.

In view of this, the Contempt Petition stands disposed of.

(S.K.SHAH,J.)